



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Fourth Meeting Day

Monday Afternoon

January 9, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Lawrence L. Buell.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson ☐
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese ☐
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry ☐	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 7: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

[Journal Clerk's Note: roll call 6 was a machine test.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 10, 2006 at 1:30 p.m.

T. HARRIS

Motion prevailed.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1160 — Kuzman, Stilwell
Committee on Commerce, Economic
Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1161 — Kuzman, Stilwell
Committee on Commerce, Economic
Development and Small Business

A BILL FOR AN ACT concerning labor and safety.

HB 1162 — Buell, Cherry, Klinker
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1163 — Summers
Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1164 — Summers
Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1165 — Heim, Friend, Walorski
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1166 — C. Brown
Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1167 — C. Brown
Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1168 — C. Brown
Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1169 — C. Brown
Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1170 — C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1171 — Cochran, Kromkowski

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1172 — T. Harris

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1173 — T. Harris

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT concerning professions and occupations.

HB 1174 — Denbo, Koch

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1175 — Crooks

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1177 — Leonard, T. Brown

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1178 — McClain

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1179 — McClain

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1180 — Neese

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1181 — Neese

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1182 — Neese

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1183 — Stevenson, Stilwell

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1184 — McClain

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1185 — Dvorak

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1186 — V. Smith

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1187 — V. Smith

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1188 — V. Smith

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1189 — Stutzman

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1190 — Stutzman

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1191 — Stutzman

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1192 — Stutzman

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

HB 1193 — Ulmer

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1194 — Ulmer

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1195 — Ulmer

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1196 — Ulmer

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1197 — Davis

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1198 — Hoy

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1199 — Hoy

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1200 — Hoy

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1201 — Hoy

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1202 — Thompson

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1203 — Thompson

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1204 — Lehe

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1205 — Lehe

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT concerning Indiana time zones.

HB 1206 — Pond

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1207 — Pond

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1208 — Pond

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1209 — Turner, Welch, T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1210 — Turner, Welch

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1021, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "farmers" and insert "**bidders**".

Page 1, line 5, after "rights-of-way of" insert ":".

Page 1, line 6, before "interstate" begin a new line block indented and insert:

"(1)".

Page 1, line 6, after "interstate" insert "; and

(2) state;"

Page 1, line 6, beginning with "highways" begin a new line blocked left.

Page 2, after line 11, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 8-23-2-6.5, as added by this act, the Indiana department of transportation shall carry out the duties imposed upon the Indiana department of transportation, under IC 8-23-2-6.5, as added by this act, under interim written guidelines approved by the commissioner of the Indiana department of transportation.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 8-23-2-6.5, as added by this act.

(2) December 31, 2007.

SECTION 3. An emergency is declared for this act."

(Reference is to HB 1021 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1030, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, strike "2001," and insert "**2006**".

(Reference is to HB 1030 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1150, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

HOUSE BILLS ON SECOND READING**House Bill 1134**

Representative Foley called down House Bill 1134 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1040

Representative Foley called down House Bill 1040 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1013

Representative Burton called down House Bill 1013 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1013-1)

Mr. Speaker: I move that House Bill 1013 be amended to read as follows:

Page 4, after line 8, begin a new paragraph and insert:

"SECTION 5. IC 16-33-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The Silvercrest children's development center is established as a state center. **The center shall:**

(1) remain open to treat patients; and

(2) continue to be funded by the state.

SECTION 6. An emergency is declared for this act."

(Reference is to HB 1013 as printed January 6, 2006.)

COCHRAN

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill.

After discussion, Representative Cochran withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 8**

Representative Friend introduced House Concurrent Resolution 8:

A CONCURRENT RESOLUTION to convene a Joint Session of the 114th General Assembly of the State of Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chambers of the House of Representatives at 7:00 p.m., on Wednesday, January 11th, 2006, to receive the Governor's message which will be given in compliance with Section 13 of Article 5 of the Constitution of the State of Indiana and the Speaker is hereby directed to appoint a committee of four members of this House to transmit this resolution to the Senate and report to this House such action as the Senate may take thereon.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Garton.

OTHER BUSINESS ON THE SPEAKER'S TABLE**HOUSE MOTION**

Mr. Speaker: I move that a committee of four members of this House be appointed by the Speaker, to act with a like committee of the Senate, to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hoffman, Whetstone, Klinker, and Kromkowski be appointed by the Speaker of the House to Representatives to act with a like committee of the Senate to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on Wednesday, January 11, 2006.

FRIEND

Motion prevailed; the Speaker appointed Representatives Hoffman, Whetstone, Klinker, and Kromkowski as the committee to escort the Governor.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative C. Bottorff, the House adjourned at 1:50 p.m., this ninth day of January, 2006, until Tuesday, January 10, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives